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Docket No. 6604-003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Olivier Hersent **Group Art Unit:** 2645
Serial No. : 09/441,057 **Examiner** : CHOW, MING
Filing Date : November 16, 1999
For : MULTIMEDIA DATA TRANSMISSION SYSTEM

Commissioner for Patents
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APPEAL BRIEF

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I. REAL PARTY IN INTEREST

The real party in interest is the assignee of record, Netcentrex of Caen, France.

II. RELATED APPEALS AND INTERFERENCES

None.

III. STATUS OF CLAIMS

Claims 1-16 are pending in the application. All the claims have been rejected and are on appeal.

IV. STATUS OF AMENDMENTS

No amendment has been filed after the final rejection,

V. SUMMARY OF THE INVENTION

Briefly, the present invention is directed to a distributed multimedia data system including a network 10, at least one customer server located at each one of a plurality of service suppliers 16, 17, 18, each customer server being configured to be connected to the network, and a shared resources host server 11 connected to the network that has a means for communicating through the network with a plurality of user stations 12, 15 via man-machine interface resources shared among the customer servers. The shared resources host server 11 functions to receive service requests from users also

connected to the network, to initially respond to each received service request to determine the service supplier concerned therewith, and to then direct each received service request to the at least one customer server at the concerned service supplier for execution of a respective service logic associated with services provided thereby, and executed at said service supplier to exchange information by means of the shared man-machine interface with the user station from which the service request has been received.

The present invention provides the benefit of sharing man-machine interface resources of a single host server between several service suppliers, which, when notified by the host server of a service request from a user, execute a respective service logic in a customer server at the supplier's premises, in order to exchange information with the user, by means of the shared resources of the host server.

The supplier, by executing locally the service logic, can take into account the current state of the supplier internal data. Furthermore, such supplier does not have to purchase man-machine interface resources specific to the user's terminal equipment.

In other words, requests made by users are received by the host server 11. These requests are translated into an appropriate format and then passed on to the respective service supplier. The response from the respective supplier is returned to the host server 11. The host server translates the response and transmits in an appropriate format to the user. In one embodiment, the user makes a request in the form a voice command. The host server translates the voice command, using voice recognition software into a digital command and sends it to the supplier. The supplier returns a digital response which is then translated into a voice response and sends it

back to the user.

VI. ISSUES

A. Does claim 1 meet the requirements of 35 U.S.C. 112 second paragraph?

B. Are claims 1, 3-5, 7, 10 anticipated by Hiroshima?

C. Are claims 2, 4, 8, 9, 11-16 obvious over Hiroshima in view of Low, Sassin, Smith Shank?

VII. GROUPING OF CLAIMS

The Applicant believes that the claims must be grouped as follows:

Group I: Claims 1, 2, 9, 12, 16

Group II: Claims 3, 4, 5, 8, 10, 11, 13, 14, 15

Group III: Claims 6, 7.

VIII. ARGUMENT

A. Claim 1 meets the requirements of 35 U.S.C. 112

Claim 1 recites a distributed multimedia data system comprising, inter alia, a shared resources host server with means for communicating with a plurality of user stations (lines 5/6) and exchanging information with the user station from which said one of the service requests has been received (lines 14-17). It is respectfully submitted that this language clearly identifies the "user station" as required by 35 U.S. C. 112 second paragraph. However, if the Board

feels that it is necessary, the claim can be changed to define "a user station" on line 16.

B. Claims 1, 3-5, 7 and 10 are not anticipated

As discussed above, the present invention pertains to a network that provides users at user stations to send and request information from a plurality of service suppliers. For this purpose, as recited in claim 1, each service supplier is provided with a customer server (that, according to claims 6 and 7 may be implemented by software). In addition, the network is provided with a shared resources host server. This server receives service requests from the user stations, determines which supplier is concerned, or associated with the request, and sends the request to the respective service supplier for exchanging the information with the user station. Claim 12 is similar except that it covers the host server itself, rather than the system. Claim 12 also specifically recites a "means responsive to a service logic executed at said identified customer server to exchange information by means of a shared man-machine interface with the user station from which said one of the service requests has been received."

Both claims also recite that the information exchange occurs through a shared "man-machine interface" part of the host server.

The Hiroshima discloses a multimedia communication system allowing users at their terminals efficiently to order merchandise and permitting merchandise providers to efficiently deliver the ordered merchandise without supplying merchandise information to the user beforehand. See column 4, lines 25-28. This preliminary information step is

realized in Hiroshima by a communication center 39.

The function of the multimedia communication center 39 of Hiroshima is, thus, to provide preliminary information about merchandise delivered by the providers 37 and 38. This preliminary information is given the user without any exchange being needed between the providers 37 and 38 and the center 39. After that the exchanges occur directly between the concerned provider and the user, without any input from, or output to the center 39.

Hiroshima does not disclose that the communication center 39 directs the service request to the customer server at the concerned service provider 37 or 38 for execution of a respective logic associated with services provided thereby and executed at said service provider to exchange information with the user by means of the shared resources of the communication center. On the contrary, once the user has contacted the concerned provider, the exchanges are only between the concerned provider and the user as noted above, and not through a host server, as required by the claims.

In summary, Hiroshima fails to disclose a system in which requests from a user to several service suppliers and answers from the service suppliers to the users pass through a host server as required by the claims. The reference further fails to disclose system in which means of man-machine interface resources shared among the customer servers, as required by the claims. Therefore, it is respectfully submitted that claims 1, 3, 5-7 and 10 are not anticipated by Hiroshima as a matter of law.

Therefore, a system according to currently amended Claim 1 and a shared resources host server according to previously presented Claim 12 is not disclosed

by Hiroshima. The rejection of Claim 2 and independent Claim 12 under 35 U.S.C. §103(a) as being unpatentable over Hiroshima in view of Low is also improper. Low disclose a method and a system for a more synergetic relationship between the WWW environment and the telephony network environment so as to offer telephony services over the WWW and information services over the public communication network. Moreover the claims of Groups 2 and 3 further recite that the shared resources include the exchange of either voice-type commands and requests (group 2) or video-type commands and requests (Group 3). Hiroshima does not contain these limitations as well.

C. Claims 2, 4, 8, 9,11-16 are not obvious

The above-named claims are rejected as being obvious over Hiroshima in combination with one or more secondary references.

Low disclose a method and a system for a more synergetic relationship between the WWW environment and the telephony network environment so as to offer telephony services over the WWW and information services over the public communication network. More precisely, as indicated at column 7, lines 38-40 of Low, the Low concern is to provide improved access for telephone users to information resources available on the internet, which is completely different from the claimed invention. It is also completely different from the subject matter of Hiroshima.

Therefore, it seems very unlikely a person of ordinary skill in the art would

have attempted combined the teachings of Hiroshima and Low. In this regard, In re Lee, 61 USPQ2d, 1430, 1434 (Fed. Cir. 2002) requires the PTO to "explain the reasons one of ordinary skill would have been motivated to select the references and to combine them to render the claimed invention obvious."

Furthermore, the outstanding Action likens the contents resources of Low to the shared resources of the host server according to the claimed invention. However, the Low content resources are not of a type comparable with the shared resources of the host server of the claimed invention. Indeed, the shared resources are man-machine interface resources, whereas the content resource of Low are information resources (page 7, lines 38-40).

Moreover, as shown in Figure 5 of Low these content resources (49) are located at a plurality of http servers (51), which would correspond to the customers' server in the present invention, whereas the entity that the Action asserts performs the tasks of the interface of the protocol stack subsystem of Claim 2, is the IP system 70. However, the host server of the invention, as set out in Claim 2, includes both the shared resources and the interface of the protocol stack subsystem.

Furthermore, the IP system 70 of Low is provided with text-to-speech resource 72, but this resource 72 is not responsive to a service logic executed at the http server. as set out in Claim 1 or Claim 12, after any notification of the request to the http server by the IP system. Indeed, in Low, it is the IP system 70 itself that manages its resources 72, independently of the http server whose only

function is to host information content and to deliver it to the IP system when requested by the IP system. The hap server does not pilot the man-machine interface of the IP system in order to exchange information with the user from which the information request has been received. Consequently, neither Hiroshima alone or in view of Low nor Low alone describes a system, respectively a shared resources host server as set out in the independent Claims 1 and 12 of the present application.

The rejection of Claims 4, 11 and 15 is based on Sassin and Low, the rejection of Claims 8 and 13 is based on that based on Smith and the rejection of Claim 14 is based on Shank. However none of these secondary references cures the deficiencies noted above as to Hiroshima and Low.

Therefore it is respectfully submitted that the suggested combination as to each of the claims does not result in the claimed invention and therefore, the Examiner has failed to make out a case of obviousness as to all of these references because: (1) the references as combined fail to disclose a network in which communications between a user and various service suppliers are passed through a host server through which man-machine interface resources are shared; (2) the examiner failed to point to any suggestions for combining by a person skilled in the art to obtain the claimed invention.

Moreover, the claims of Groups 2 and 3 include additional limitations which further differentiate the invention over the prior art. More specifically, the claims of group 2 describe that the user issues voice commands and the host

server shares man-machine resources to translate these commands to digital signals and vice versa. The claims of group 3 describe systems wherein the customer server at each service provider is implemented as software. The prior art references fail to disclose these combinations of elements.

IX. CONCLUSION

The claims of the subject application are not anticipated or rendered obvious by the references of record, and hence the Examiner should be reversed.

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APPENDIX

CLAIMS

Claim 1. A distributed multimedia data system, comprising: a network;
at least one customer server located at each one of a plurality of service
suppliers,
each customer server being configured to be connected to the network; and
a shared resources host server connected to the network, comprising
means for
communicating through the network with a plurality of user stations by means of ✓
man-
machine interface/resources shared among the customer servers, and configured,
to receive therefrom service requests from users also
connected to the network, and
to initially respond to each received service request to
determine the service supplier concerned therewith, and
to then direct each received service request to the at least one
customer server at the concerned service supplier for execution of a
respective service logic associated with services provided thereby, and
executed at said service supplier to exchange information by means of the
shared man-machine interface with the user station from which said one of
the service requests has been received.

Claim 2. The system according to claim 1, wherein the shared resources host server is connected to the network through an interface and comprises:

a protocol stack subsystem with an interface that:

- receives calls from a data network at an exchange;
- detects incoming calls and captures caller and called party numbers; detects dial tones;
- generates coding-decoding media data streams; and
- receives media coding-decoding data streams;

a command interpreter subsystem that:

- generates messages on detection of new calls to each customer server; generates event messages; and
- uses the commands from the customer servers.

Claim 3. The system according to claim 2, further comprising a high performance transcoding resource subsystem.

Claim 4. The system according to claim 3, further comprising a voice synthesis and/or video resources subsystem.

Claim 5. The system according to claim 4, further comprising an audio or video sequences recording/reproduction module subsystem.

Claim 6. The system according to claim 1, wherein each customer server is provided as software running at each one of the plurality of service suppliers that

receives events signaled by the shared resources host server and provides commands in reaction to these events.

Claim 7. The system according to claim 6, wherein the software is running on a computer at each one of the plurality of service suppliers, the computer being provided with two network interfaces, one network interface being connected to the network to communicate with the shared resources host server and the other network interface being connected to a company private network in order to dialog with customer databases.

Claim 8. The system according to claim 1, wherein the shared resources within the host server include a voice recognition means operating on input data representing voice parameters calculated in a user's station.

Claim 9. The system according to claim 1, wherein the network is an IP network.

Claim 10. The system according to Claim 1, wherein the shared resources within the host server include voice resources.

Claim 11. The system according to Claim 1, wherein the shared resources within the host server include video resources.

Claim 12. A shared resources host server for accessing a plurality of customer services through a telecommunications network comprising:

interface means for connection to the network;

means for communicating through the network interface means with a plurality of customer servers respectively managing said customer services;

means for communicating through the network interface means with a plurality of user stations, by means of man-machine interface resources shared among the customer servers;

means for processing service requests received from the user stations to identify a respective customer server for which each service request is intended;

means to notify each one of the service requests to the customer server identified therefore;

means responsive to a service logic executed at said identified customer server to exchange information by means of the shared man-machine interface with the user station from which said one of the service requests has been received.

Claim 13. The shared resources host server according to Claim 12, wherein the means for communicating with user stations include voice recognition means operating on input data representing voice parameters calculated in one of the user stations.

Claim 14. The shared resources host server according to Claim 12, wherein the man-machine interface resources include voice recognition and voice synthesis resources.

Claim 15. The shared resources host server according to Claim 12, wherein the man-machine interface resources include video resources.

Claim 16. The shared resources host server according to Claim 12, wherein

the means for communicating with the customer servers are arranged to provide ciphered communications with said customer servers over the network.

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